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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

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11 August 78

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Attached for your information is a "Weekly Activities Report" which was sent to the White House.

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Deputy Legislative Counsel

WH

MORI/CDF Pages 2/3/4

THE DIRECTOR OF CENTRAL INTELLIGENCE

OLC 78-2888/b

WASHINGTON, D. C. 20505

Office of Legislative Counsel

11 AUG 1978

MEMORANDUM FOR: FRANK B. MOORE
ASSISTANT TO THE PRESIDENT
FOR CONGRESSIONAL LIAISON

FROM: FREDERICK P. HITZ
LEGISLATIVE COUNSEL

SUBJECT: WEEKLY ACTIVITIES REPORT

1. INTELLIGENCE CHARTER LEGISLATION (S. 2525 and H.R. 12245):
Proposes charters for the intelligence agencies.

The first series of formal hearings on the legislation before the Senate Select Committee on Intelligence (SSCI) have been completed. Agency discussion with SSCI staff are now focusing on Title IV of the legislation, the CIA charter. SSCI staff has sent a marked-up version of Title IV for our consideration. NSC/SCC working-level consideration of the bill will continue next week with a meeting scheduled for Tuesday, 15 August at which time the NSC/SCC charter working-level group will consider Title II, "Intelligence Activities and Constitutional Rights."

2. ELECTRONIC SURVEILLANCE BILL (S. 1566 and H.R. 7308): Requires the Government to obtain judicial warrants before instituting electronic surveillance for foreign intelligence purposes within the United States.

The electronic surveillance bill was scheduled to come up for House floor action on 10 or 11 August. However, the bill was pulled off the floor calendar at the last minute since proponents of the legislation were of the opinion that if floor action took place now they would lose on the amendments. The bill, which will not be scheduled next week for floor action because of an already crowded schedule, will be considered immediately after the House reconvenes on 5 September. The DCI will take advantage of the lag to make more contacts in support of the legislation.

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3. STATE AUTHORIZATION BILL (H.R. 12598): Authorizes funds for State Department operations and other international programs in fiscal year 1979.

The House - Senate Conference on the State Department Authorization bill concluded action on the bill this week. On 3 August the Senate dropped its change in the law with regard to the "third agency rule" and the conferees adopted a joint statement in the report which sets forth an acceptable procedure in connection with requests involving the third agency rule. This week the conferees agreed to drop problematic amendments to the "Role of the Ambassador" provisions. The conferees also agreed to limit the "oral agreement" amendment to the Case/Zablocki Act to "oral international agreements," the latter term being considered as a term of art. Conference report language will stress that this amendment merely codifies existing Executive Branch procedures. Amendments were accepted to Title V of the bill entitled "Science, Technology and American Diplomacy" which would limit the scope of this title to "major action[s] primarily involving science and technology." Report language will make clear that intelligence collection activities will not be covered by Title V. These compromises are acceptable to the DCI. No floor action has as yet been scheduled.

4. CIVIL SERVICE REFORM LEGISLATION (H.R. 11280/S. 2540): This legislation, which effects major reform of the Federal personnel system and procedures, begins floor debate in the House today.

The DCI is concerned that the legislation not alter the special status of the CIA under current Civil Service statutes and regulations. The CIA, and in some instances the NSA (which enjoys some of the same exemptions from present Civil Service laws as the CIA), is exempted from major provisions of S. 2640 and, with some notable exceptions, from provisions of H.R. 11280. Those few remaining problems with the House bill which concern the authorities of the proposed Special Counsel probably can be resolved by minor amendments. Representatives of the DCI are maintaining close contact with the Administration Task Force handling this legislation.

5. JUSTICE APPROPRIATIONS LEGISLATION: (H.R. 12934): The report language mandates that the Immigration and Naturalization Service deny entry visas to and expel from the United States Soviet Bloc Intelligence officers.

We have raised our concern that this language, if carried out in an indiscriminate fashion, would produce a severe and far-reaching retaliatory effect on our intelligence officers serving in Bloc countries. The Justice and State Departments also oppose the language. The House report does not contain similar language and therefore, in light of our raising the problems with Senate and House staff, we do not expect the mandate to appear in the conference report.

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6. INTELLIGENCE AUTHORIZATION BILL: (H.R. 12240 and S. 2939):
Authorizes funds for fiscal year 1979 for government intelligence activities.

Neither house has yet acted on the conference report on H.R. 12240 although action is expected in the near future. While the Administration urged deletion of Title IV of the House version entitled "Admission of Certain Excludable Aliens," the retention in the bill of the title -- as amended at conference -- causes no major difficulties since it merely establishes a reporting requirement. Conference language provides sufficient protection for any intelligence sources and methods that may fall within the scope of the report and directs that only those cases where an alien would be a "legitimate target" of foreign counterintelligence or foreign counterterrorism intelligence need be reported.

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SIGNED

Frederick P. Hitz

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